

**US District Court Electronic Case Filing System  
District of Utah (Central)  
CIVIL DOCKET FOR CASE #: 2:20-cv-00632-DBB-CMR**

Boggs et al v. Blue Cross Blue Shield of North Carolina et al  
Assigned to: Judge David Barlow  
Referred to: Magistrate Judge Cecilia M. Romero  
Cause: 29:1132 E.R.I.S.A.—Employee Benefits

Date Filed: 09/09/2020  
Jury Demand: None  
Nature of Suit: 791 Labor: E.R.I.S.A.  
Jurisdiction: Federal Question

**Plaintiff**

**Carl A. Boggs, III**

represented by **G. Eric Nielson**  
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**Plaintiff**

**Leah Boggs**

represented by **G. Eric Nielson**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Laura C. Nielson**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Blue Cross Blue Shield of North Carolina**

represented by **Chad D. Hansen**  
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**Defendant**

**Blue Options PPO**

represented by **Chad D. Hansen**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Mark D. Tolman**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
09/09/2020	<u>1</u>	Case has been indexed and assigned to Judge David Barlow. Plaintiffs Carl A. Boggs, III, Leah Boggs is directed to E-File the <u>Complaint and cover sheet</u> (found under Complaints and Other Initiating Documents) and pay the filing fee of \$ 400 by the end of the business day. <b>NOTE: The court will not have jurisdiction until the opening document is electronically filed and the filing fee paid in the CM/ECF system.</b> Civil Summons may be issued electronically. Prepare the summons using the courts <u>PDF version</u> and email it to <a href="mailto:utdecf_clerk@utd.uscourts.gov">utdecf_clerk@utd.uscourts.gov</a> for issuance. (jl) (Entered: 09/09/2020)
09/09/2020	<u>2</u>	COMPLAINT against Blue Cross Blue Shield of North Carolina, Blue Options PPO (Filing fee \$ 400, receipt number AUTDC-3712927) filed by Leah Boggs, Carl A. Boggs, III. (Attachments: # <u>1</u> Civil Cover Sheet Civil Cover Sheet) Assigned to Judge David Barlow (Nielson, Laura) (Entered: 09/09/2020)
12/07/2020	<u>3</u>	<b>ORDER REFERRING CASE to Magistrate Judge Cecilia M. Romero under 28:636 (b)(1)(A), Magistrate to hear and determine all nondispositive pretrial matters. No attached document. Signed by Judge David Barlow on 12/7/2020. (akj) (Entered: 12/07/2020)</b>
12/23/2020	<u>4</u>	WAIVER OF SERVICE Returned Executed filed by Leah Boggs, Carl A. Boggs, III as to Blue Cross Blue Shield of North Carolina Waiver sent on 12/22/2020, answer due 2/22/2021; Blue Options PPO Waiver sent on 12/22/2020, answer due 2/22/2021. (Nielson, Laura) (Entered: 12/23/2020)
02/19/2021	<u>5</u>	NOTICE of Appearance by Mark D. Tolman on behalf of Blue Cross Blue Shield of North Carolina, Blue Options PPO (Tolman, Mark) (Entered: 02/19/2021)
02/19/2021	<u>6</u>	MOTION for Admission Pro Hac Vice of Chad D. Hansen , Registration fee \$ 250, receipt number AUTDC-3923734,  Attorneys awaiting Pro Hac Vice admission should immediately register to efile and receive electronic notification of case activity in the District of Utah at

		<p><a href="https://www.pacer.uscourts.gov/cmecf/dcbk.html">https://www.pacer.uscourts.gov/cmecf/dcbk.html</a>. Registration requests will not be approved until the court has granted the pro hac vice motion. Instructions are available on the court's website at <a href="https://www.utd.uscourts.gov/cmecf-electronic-case-filing">https://www.utd.uscourts.gov/cmecf-electronic-case-filing</a>.</p> <p>filed by Defendants Blue Cross Blue Shield of North Carolina, Blue Options PPO. (Attachments: # <u>1</u> Exhibit Pro Hac Vice Application, # <u>2</u> Text of Proposed Order Granting Pro Hac Vice Admission)(Tolman, Mark) (Entered: 02/19/2021)</p>
02/22/2021	<u>7</u>	<p>MOTION to Dismiss for Lack of Jurisdiction and Memorandum in Support , <i>for Improper Venue or, in the Alternative, to Transfer Venue or Dismiss for Failure to State a Claim</i> filed by Defendants Blue Cross Blue Shield of North Carolina, Blue Options PPO. (Attachments: # <u>1</u> Exhibit Declaration of Lynn Charbonneau, # <u>2</u> Exhibit Declaration of Sherry R. Dawson)(Tolman, Mark). Added MOTION to Change Venue on 2/24/2021 (jrj). (Entered: 02/22/2021)</p>
02/22/2021	<u>8</u>	<p>DECLARATION of Adonna M. McFall re <u>7</u> MOTION to Dismiss for Lack of Jurisdiction and Memorandum in Support , <i>for Improper Venue or, in the Alternative, to Transfer Venue or Dismiss for Failure to State a Claim</i> filed by Blue Cross Blue Shield of North Carolina, Blue Options PPO. (Tolman, Mark) (Entered: 02/22/2021)</p>
02/23/2021	<u>9</u>	<p><b>ORDER granting <u>6</u> Motion for Admission Pro Hac Vice of Attorney Chad D. Hansen for Blue Cross Blue Shield of North Carolina, Chad D. Hansen for Blue Options PPO.</b></p> <p><i>Attorneys admitted Pro Hac Vice must register to efile and receive electronic notification of case activity in the District of Utah at <a href="https://www.pacer.uscourts.gov/cmecf/dcbk.html">https://www.pacer.uscourts.gov/cmecf/dcbk.html</a>. Instructions are available at <a href="https://www.utd.uscourts.gov/cmecf-electronic-case-filing">https://www.utd.uscourts.gov/cmecf-electronic-case-filing</a>.</i></p> <p><i>Attorneys admitted Pro Hac Vice may download a copy of the District of Utahs local rules from the courts web site at <a href="https://www.utd.uscourts.gov/rules-practice">https://www.utd.uscourts.gov/rules-practice</a>.</i></p> <p><b>Signed by Magistrate Judge Cecilia M. Romero on 2/23/21. (jrj)</b> (Entered: 02/23/2021)</p>
03/22/2021	<u>10</u>	<p>Stipulated MOTION for Extension of Time to File Response/Reply as to <u>7</u> MOTION to Dismiss for Lack of Jurisdiction and Memorandum in Support , <i>for Improper Venue or, in the Alternative, to Transfer Venue or Dismiss for Failure to State a Claim</i> MOTION to Change Venue filed by Plaintiffs Carl A. Boggs, III, Leah Boggs. (Attachments: # <u>1</u> Text of Proposed Order for Stipulated Motion for Extension of Time to Respond to Defendants Motion to Change Venue) Motions referred to Cecilia M. Romero.(Nielson, Laura) (Entered: 03/22/2021)</p>
03/23/2021	<u>11</u>	<p><b>ORDER granting <u>10</u> Motion for Extension of Time to File Response/Reply re <u>7</u> MOTION to Dismiss for Lack of Jurisdiction and Memorandum in Support , <i>for Improper Venue or, in the Alternative, to Transfer Venue or Dismiss for Failure to State a Claim</i> MOTION to Change Venue. IT IS SO HEREBY ORDERED that the deadline for Plaintiffs to answer or otherwise respond to Defendants Motion to Change Venue is extended to April 5, 2021. Signed by Magistrate Judge Cecilia M. Romero on 03/23/2021. (jl)</b> (Entered: 03/23/2021)</p>
04/05/2021	<u>12</u>	<p>Second MOTION for Extension of Time to File Response/Reply as to <u>7</u> MOTION to Dismiss for Lack of Jurisdiction and Memorandum in Support , <i>for Improper Venue or, in the Alternative, to Transfer Venue or Dismiss for Failure to State a Claim</i> MOTION to Change Venue filed by Plaintiffs Carl A. Boggs, III, Leah Boggs. (Attachments: # <u>1</u> Text of Proposed Order re: Stipulated Motion for Extension of Time for Plaintiffs to Respond to Defendants' Motion to Change Venue) Motions referred to Cecilia M. Romero.(Nielson, Laura) (Entered: 04/05/2021)</p>
04/06/2021	<u>13</u>	<p>Motions No Longer Referred: <u>12</u> Second MOTION for Extension of Time to File Response/Reply as to <u>7</u> MOTION to Dismiss for Lack of Jurisdiction and Memorandum in Support , <i>for Improper Venue or, in the Alternative, to Transfer Venue or Dismiss for Failure to State a Claim</i>. District</p>

		judge will address motion. (tcs) (Entered: 04/06/2021)
04/06/2021	<u>14</u>	<b>ORDER ON <u>12</u> STIPULATED MOTION FOR EXTENSION OF TIME FOR PLAINTIFFS TO RESPOND TO DEFENDANTS MOTION TO CHANGE VENUE. Responses due by 4/12/2021 Signed by Judge David Barlow on 04/06/2021. (jl)</b> (Entered: 04/06/2021)
04/12/2021	<u>15</u>	MEMORANDUM in Opposition re <u>7</u> MOTION to Dismiss for Lack of Jurisdiction and Memorandum in Support , <i>for Improper Venue or, in the Alternative, to Transfer Venue or Dismiss for Failure to State a Claim</i> MOTION to Change Venue filed by Plaintiffs Carl A. Boggs, III, Leah Boggs. (Nielson, Laura) (Entered: 04/12/2021)
04/26/2021	<u>16</u>	Defendant's REPLY to Response to Motion re <u>7</u> MOTION to Dismiss for Lack of Jurisdiction and Memorandum in Support , <i>for Improper Venue or, in the Alternative, to Transfer Venue or Dismiss for Failure to State a Claim</i> MOTION to Change Venue filed by Defendants Blue Cross Blue Shield of North Carolina, Blue Options PPO. (Hansen, Chad) (Entered: 04/26/2021)
07/09/2021	<u>17</u>	<b><u>NOTICE OF ZOOM HEARING ON MOTION</u></b> re: <u>7</u> MOTION to Dismiss for Lack of Jurisdiction and Memorandum in Support, <i>for Improper Venue or, in the Alternative, to Transfer Venue or Dismiss for Failure to State a Claim</i> MOTION to Change Venue: Motion Hearing set for 7/28/2021 at 01:30 PM in Rm 8.300 before Judge David Barlow.  The court will e-mail Zoom hearing instructions to counsel and the court reporter. Members of the public or media who wish to attend should contact utdecf_barlow@utd.uscourts.gov at least 24 hours in advance of the hearing to request hearing instructions. (tcs) (Entered: 07/09/2021)
07/20/2021	<u>18</u>	Stipulated MOTION to Stay filed by Plaintiffs Carl A. Boggs, III, Leah Boggs. (Attachments: # <u>1</u> Text of Proposed Order Granting Stipulated Motion to Stay) Motions referred to Cecilia M. Romero.(Nielson, Laura) (Entered: 07/20/2021)
07/21/2021	<u>19</u>	Motions No Longer Referred: <u>18</u> Stipulated MOTION to Stay The District Judge will address the motion. (rep) (Entered: 07/21/2021)
07/21/2021	<u>20</u>	<b>ORDER granting <u>18</u> Motion to Stay; finding as moot <u>7</u> Motion to Dismiss for Lack of Jurisdiction ; finding as moot <u>7</u> Motion to Change Venue. The hearing scheduled for July 28, 2021 on Defendants' motion to dismiss or transfer is vacated. All proceedings in the case are stayed until February 1, 2022. Signed by Judge David Barlow on 07/21/2021. (jl)</b> (Entered: 07/21/2021)
01/31/2022	<u>21</u>	Stipulated MOTION to Change Venue filed by Plaintiffs Carl A. Boggs, III, Leah Boggs. (Attachments: # <u>1</u> Text of Proposed Order Granting Stipulated Motion to Transfer) Motions referred to Cecilia M. Romero.(Nielson, Laura) (Entered: 01/31/2022)
01/31/2022	<u>22</u>	Motions No Longer Referred: <u>21</u> Stipulated MOTION to Change Venue. The district judge will address the motion. (rep) (Entered: 01/31/2022)
01/31/2022	<u>23</u>	<b>ORDER granting <u>21</u> Motion to Change Venue. This case will be transferred to the Middle District of North Carolina. Signed by Judge David Barlow on 01/31/2022. (jl)</b> (Entered: 01/31/2022)